

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CALIPH MANLEY : Civil Action
:
vs. :
:
CITY OF PHILADELPHIA, et al : No. 13-6053

MOTION TO DISMISS

Counsel for Plaintiff hereby moves this Honorable Court to dismiss the instant action and in support thereof avers the following:

1. Counsel for plaintiff and counsel for the defendants have agreed to voluntarily remove this matter to the Arbitration Program through the State Court system.
2. Counsel for plaintiff shall file a new action against the named defendants in State Court.
3. Counsel for defendant officers and City of Philadelphia has agreed that since the State claims were timely filed in the Federal action, said counsel nor any other City Solicitor assigned to handle the State claim will not raise as a defense in the State action the issue of the Statute of Limitations.

WHEREFORE, it is requested that the Federal claims be dismissed with prejudice with leave for plaintiff to file State claims against above named defendant s

BY: _____/s/_____
I. MICHAEL LUBER, ESQUIRE
Attorney for Plaintiff
1760 Market Street, Suite 1100
Philadelphia, PA 19103
(215) 496-1000

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ORDER

AND NOW this day of January, 2015, it is hereby ORDERED and
DECREED that the Motion to Dismiss filed by Plaintiff is hereby granted.

It is further ordered that Plaintiff is granted to leave to file an action in State
Court against the named defendants.

BY THE COURT:

UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, I. Michael Lubner, Esquire, hereby certify that on _____ I caused to be served a true and correct copy of the foregoing document by electronic filing to the following:

Niya Blackwell, Deputy City Solicitor
1515 Arch Street - One Parkway
Philadelphia, PA 19102
Niya.Blackwell@phila.gov

BY: I. Michael Lubner, Esquire
I. MICHAEL LUBNER, ESQUIRE